IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 591 of 1998

CRL.A.322/1996 OF ADDL. SESSIONS COURT, THRISSUR,
CC.439/1995 OF JUDL. MAGISTRATE OF FIRST CLASS COURT-II,THRISSUR
.....

PETITIONER/APPELLANT/ACCUSED:

C.K. SADANANDAN, S/O. KARAPPAKUTTY,
CHILLIYIL VEEDU, MENALUR,
THRISSUR DISTRICT.

BY ADV. SRI.P.K.RAVI SANKAR.

RESPONDENTS/RESPONDENT/COMPLAINANT AND STATE:
----

1. **T.S. MURALI @ MURALEEDHARAN,**
   S/O. SANKARANARAYANAN,
   THOPPIYIL VEEDU, MANALUR,
   THRISSUR DISTRICT.

2. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSHKUMAR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Crl.R.P.No.591 OF 1998

Dated 16th July, 2007

ORDER

Petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act. The trial court convicted and sentenced him to undergo imprisonment for six months. In appeal, even though conviction was confirmed, sentence of imprisonment was reduced from six months to three months. In view of the concurrent findings, regarding the dishonour of cheque issued by the petitioner for insufficiency of funds, the only prayer pressed before me is for taking leniency in the punishment. I am of the opinion that complainant is more interested in getting his money back than putting the petitioner under prison. However, it is seen that even though revision application was filed in 1998, no amount was paid. On the facts and circumstances of the case, I reduce the punishment of imprisonment for three months to two months and a compensation of Rs.50,000/=. In default of payment of compensation, he shall undergo simple imprisonment for three months. However, since offence under Section 138 of the Negotiable Instruments Act is compoundable, two months' time is granted for compounding the matter and for two moths

sentence shall not be implemented. Petitioner shall approach the complainant and if the matter is compounded or settled between the parties within two months, petitioner can approach this court for recording the settlement.

The revision petition is disposed of accordingly.

J.B.KOSHY
Judge

tks